



TEXAS
WORKERS' COMPENSATION COMMISSION
SOUTHFIELD BUILDING, 4000 SOUTH IH-35, AUSTIN, TEXAS 78704
(512) 448-7900

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September 2, 1992

The Honorable Dan Morales
Attorney General
Price Daniel, Sr. Building
209 West 14th Street
Austin, Texas 78701

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Opinion Committee

Dear General Morales:

I am writing to request an opinion regarding whether the Commission may release claim file information to the Texas Attorney General's Child Support Enforcement Office without violating the confidentiality provisions of the Texas Workers' Compensation Act.

Art. 8308-2.31(a) of the Act states:

Information in or derived from a claim file regarding an employee is confidential and may not be disclosed by the commission except as provided by the Act.

Subsection (d) and Art. 8308-2.32 then list the persons and entities to whom the Commission is either required or permitted to release claim file information. The Child Support Enforcement Office does not fall into any of the categories of entities to whom release of claim file information is authorized by the Act. Because Art. 8308-2.37 provides criminal penalties for the unauthorized disclosure of claim file information, the Commission has refused to release claim file information to the Child Support Enforcement Office.

However, Human Resources Code §76.002(c) entitles the Child Support Enforcement Office to:

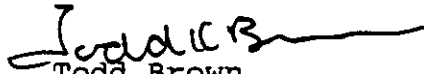
... obtain records and information relating to the location, income, and property holdings of an absent parent from other state and local agencies.

Based on this language and provisions of federal law, Open Records Decision No. 516 (1989) ruled that the Department of Public Safety was required to furnish the Child Support Enforcement Office the home addresses of peace officers for the office's confidential, internal use although the peace officers had elected under §3(a)(17) of the Open Records Act to keep such information confidential. The Commission believes the requirement to release confidential information to the Child Support Enforcement Office may also extend to workers' compensation claim file information.

The Commission would note that the purpose of the confidentiality provisions of the Texas Workers' Compensation Act is to prevent employers from discriminating against employees who have filed workers' compensation claims. The release of claim file information to the Child Support Enforcement Office for the office's use in fulfilling its statutory mandate will not defeat this purpose. The information will remain confidential and in the hands of the state. Its transfer to the Child Support Enforcement Office will not make it any more accessible to employers. Additionally, the penalties for unauthorized release or receipt of the claim file information established in Art. 8308-2.37 will remain in effect.

If you have any questions or need additional information, please contact Susan Cory, General Counsel, at the address above or at 440-3973.

Sincerely,


Todd Brown
Executive Director

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